

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. Action No.: 1:20-CR-74-24
(Judge KleeH)

NARKEVIA LEWIS,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE [DKT. NO. 878],
ACCEPTING GUILTY PLEA, CONTINUING PRETRIAL AND TRIAL DATES,
AND SCHEDULING SENTENCING HEARING

On November 22, 2021, the Defendant Narkevia Lewis ("Lewis"), appeared before United States Magistrate Judge Michael J. Aloï and moved for permission to enter a plea of **GUILTY** to Count Eighteen of the Indictment, charging her with Aiding and Abetting the Maintaining of a Drug-Involved Premises, in violation of Title 21, U.S.C., Sections 856(a)(2) and Title 18, U.S.C., Section 2.¹ This Court referred Defendant's plea of guilty to the magistrate judge for the purpose of administering the allocution, pursuant to Federal Rule of Criminal Procedure 11, making a finding as to

¹ Magistrate Judge Aloï instructed the defendant at her plea hearing on November 22, 2021, and her August 2, 2021, signed plea agreement [ECF No. 876] reflects, that a guilty plea to Count Eighteen of the Indictment carries a maximum term of imprisonment of not more than twenty (20) years, a fine of not more than \$500,000.00, or both, and a term of not more than three (3) years of supervised release.

USA v. LEWIS

1:20-CR-74

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE [DKT. NO. 878],
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING

whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted. Lewis stated that she understood that the magistrate judge is not a United States District Judge, and Lewis consented to pleading before the magistrate judge.

Based upon Defendant Lewis's statements during the plea hearing and the Government's proffer establishing that an independent factual basis for the plea existed, the magistrate judge found that Defendant Lewis was competent to enter a plea, that the plea was freely and voluntarily given, that she was aware of the nature of the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea. The magistrate judge issued a *Report and Recommendation Concerning Plea of Guilty in Felony Case* ("R&R") [Dkt. No. 878] finding a factual basis for the plea and recommending that this Court accept Defendant Lewis's plea of guilty to Count Eighteen of the Indictment.

The magistrate judge **remanded** Defendant to the custody of the United States Marshals Service.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after

USA v. LEWIS

1:20-CR-74

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE [DKT. NO. 878],
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING**

service of the R&R. He further advised that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R. Neither the Defendant nor the Government filed objections to the R&R.

Accordingly, this Court **ADOPTS** the magistrate judge's R&R [Dkt. No. 878], provisionally **ACCEPTS** Defendant Lewis's guilty plea, and **ADJUDGES** her **GUILTY** of the crime charged in Count Eighteen of the Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), the Court **DEFERS** acceptance of the proposed plea agreement until it has received and reviewed the presentence investigation report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., the Court **ORDERS** the following:

The Office of Probation shall submit the presentence investigation report with addendum to the Court on or before **February 14, 2022**; and

Counsel may file any written sentencing memorandum or statements and motions for departure from the Sentencing Guidelines, including the factual basis for the same, on or before **March 7, 2022**.

USA v. LEWIS

1:20-CR-74

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY IN FELONY CASE [DKT. NO. 878],
ACCEPTING GUILTY PLEA, AND SCHEDULING SENTENCING HEARING

The Court further **ORDERS** that prior to sentencing, counsel for Defendant review with her the revised Standard Probation and Supervised Release Conditions adopted by this Court on November 29, 2016, pursuant to the standing order entered by Chief Judge Groh, In Re: Revised Standard Probation and Supervised Release Conditions, 3:16-MC-56.

The pretrial conference on March 4, 2022 and the jury trial on March 22, 2022 are **CONTINUED** generally, for this defendant.

The Court will conduct the **Sentencing Hearing** for Defendant on **March 21, 2022**, at **11:00 A.M.**, at the **Clarksburg, West Virginia** point of holding court. If counsel anticipates having multiple witnesses or an otherwise lengthy sentencing hearing, please notify the Judge's chamber staff so that an adequate amount of time can be scheduled.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: January 11, 2022

/s/ Thomas S. KleeH
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE